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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,443

02/15/2006

Sang Woo Woo

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11/13/2009

MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER

RIGGLEMAN, JASON PAUL

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

11/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,443	<b>Applicant(s)</b> WOO, SANG WOO	
	<b>Examiner</b> JASON P. RIGGLEMAN	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/5/2009 has been entered.

### ***Response to Applicant's Arguments / Amendments***

2. This Office Action is responsive to the amendment filed on 10/5/2009. Claims 1-5 and 7-13 are pending. Claims 1, 3, 7, and 8 have been amended. Applicant's arguments have been considered, however, are not persuasive. The applicant's main argument is that the tub of Bergeson (US Patent No. 3963046) cannot be considered a sump; however, Examiner disagrees. The applicant's specification does not recite a special definition for the term "sump" and the tub of Bergeson may be used to read upon the claimed structural features of a sump given the broadness of the limitation. The remaining arguments; therefore, are moot and the remaining rejections are updated to incorporate the limitations of the new amendments.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergeson.

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5. Bergeson teaches a dishwasher having a tub 11 and sump pump assembly 35. The side wall of tub 11 (first portion of washing water storing portion) is outfitted with an inlet water system 71 (water supply connector). The bottom wall 30 of the fluid container houses an arcuate heating element 75 (heater) which is inserted into a hole formed in the bottom wall 30, and supported therein by a plurality of supports 76.

6. The wall formed by the bottom wall 30 connects to a central recess 31, then connects to a housing 80 by retainer clips 85 (this forms an L-shaped covering which reads on Applicant's claims for a preventing rib formed along an edge of the outer bottom surface of the washing water storing portion). Moreover, this wall is adjacent to the so-called heater insertion hole, wherein the arcuate heating element 75 is inserted into a hole in the washing tub wall 30 by supports 76.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “heater insertion hold” is assumed to be – heater insertion hole.

***Claim Rejections - 35 USC § 102 / 35 USC § 103***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

11. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bergeson (US Patent No. 3,963,046).

13. Bergeson teaches the claimed invention wherein the water supply is 71 is attached to a side wall of the tub (first portion), and thus formed in a generally vertical manner, also Bergeson teaches the heating element 75 is inserted into the horizontal bottom wall 30 of the tub, thus being somewhat horizontally formed (second portion). It may be unclear as to whether these so-called “first and second portions” are formed opposite of one another. Examiner contends they are formed at opposite parts of the bottom half of the wash tub. However, alternatively, if they are not considered to be placed in an opposing relationship, it would have been obvious to one of ordinary skill in the art at the time of the invention to make minor alterations to the design of the water inlet and heating element such that they are formed opposite to one another. Bergeson still teaches the main heating functions of the claimed invention wherein water that is supplied to the tub is heated. Bergeson teaches a heater insertion hole and a rib on the sump housing. Moreover, Applicant has not shown that this “opposite” spaced relationship has a criticality. It appears that the invention would perform equally well with other alternatively known arrangements between the heater and water supply unit and the selection of any of these known equivalents to provide water heating functions would be within the level of ordinary skill in the art. *Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify*

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*Bergeson such that a heater can be installed through a hole (if needed for the design) and to have a rib (to prevent the wash motor from being infiltrated by liquid) to achieve the expected results.*

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/  
Supervisory Patent Examiner, Art Unit 1792

Jason P Riggleman  
Examiner  
Art Unit 1792

/J. P. R./  
Examiner, Art Unit 1792